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EXAMINER	
MCPHILLIP, ADRIAN J	
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3623	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/502,469	BROWN, KENNETH	
	Examiner	Art Unit	
	Adrian J. McPhillip	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) *none* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 19-22* is/are rejected.

7)☒ Claim(s) *4-18 and 23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a non-final, first office action on the merits. Claims 1-23 are pending.

Claim Objections

2. Claim 23 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

The test as to whether a claim is a proper dependent claim is that it shall include every limitation of the claim from which it depends (35 U.S.C. 112, fourth paragraph), or, in other words, that it shall not conceivably be infringed by anything which would not also infringe the basic claim.

When, as here, an independent claim recites a particular method, a dependent claim drawn to A software program or product, preferably stored on a data carrier, for executing the method of the independent claim when run on a data processing system such as a computer is not a proper dependent claim if the program might be used in other ways, since the dependent claim (the product) could conceivably be infringed without infringing the basic claim (the method). The claim is therefore in violation of the infringement test for proper dependency of claims. See MPEP § 608.01(n)(III).

Applicant is required to cancel the claim(s), amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

3. Claims 4-18 and 23 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites: deriving from the received information data records of the plurality of tasks and resources together with the respective relationship identifiers. It is unclear what the Applicant is attempting to claim with this limitation since it is never stated what is to be derived, making a rejection of this limitation impossible.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 19-22 are rejected under 35 U.S.C. 101 as being directed towards non-statutory subject matter based on Supreme Court precedent, and recent Federal Circuit decisions, *In re Bilski* U.S. Court of Appeals Federal Circuit 88 USPQ2d 1385. The machine-or-transformation test is a two-branched inquiry; an applicant may show that a process claim satisfies § 101 either by showing that his claim is tied to a particular machine, or by showing that his claim transforms an article. See Benson, 409 U.S. at 70. Certain considerations are applicable to analysis under either branch. First, as illustrated by Benson and discussed below, the use of a specific machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent-eligibility.

See Benson, 409 U.S. at 71-72. Second, the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity. See Flook, 437 U.S. at 590.

8. The methods recited in claims 19-22 are neither tied to a machine nor do they transform the underlying subject matter to a different state or thing. See Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); and Gottschalk v. Benson, 409 U.S. 63, 71 (1972).

9. A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here claims 19-22 fail to meet the above requirements because they are not tied to a particular machine nor do they transform the underlying subject matter to a different state or thing. Since the Applicant's method steps fail both prongs of the new Federal Circuit decision, claims 19-22 are non-statutory.

10. When amending claims 19-22, Applicant is reminded that nominal recitations of structure in an otherwise ineligible method fail to make the method a statutory process. See Benson, 409 U.S. at 71-72. As Comiskey recognized, "the mere use of the machine to collect data necessary for application of the mental process may not make the claim patentable subject matter." Comiskey, 499 F.3d at 1380 (citing In re Grams, 888 F.2d 835, 839-40 (Fed. Cir.1989)). Incidental physical limitations, such as data gathering, field of use limitations, and post-solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token recitations of structure in a method claim do not convert an otherwise ineligible claim into an eligible one.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lesaint et al. (US 6578005 B1) – hereinafter Lesaint, in view of Pulsipher et al. (US 20030120710 A1) and further in view of Examiner's Official Notice.

Regarding **claim 1**, Lesaint discloses a system for visually mapping a project comprising a plurality of tasks (TASK01-TASK05) and a plurality of resources (RESOURCE01-RESOURCE07) (see at least Abstract wherein a plurality of resources are allocated to a plurality of tasks), each resource being available for handling, executing or otherwise processing one or more of the tasks (see at least **col. 2, lines 60-67** wherein the resources are available to perform the tasks), the system comprising: a processing unit adapted for receiving data records of the plurality of tasks and resources (see at least **fig. 2** wherein the system includes a processor and **col. 2, lines 60-67** wherein the system includes input means for providing information relating to the tasks to be allocated and

the resources available to perform the tasks). Lesaint however, does not explicitly teach that a relationship between a respective task and a respective resource is described by a respective relationship identifier, or that the system receives data about these respective relationship identifiers together with the data records of the plurality of tasks and resources.

Pulsipher discloses a system for establishing job data structures associated with jobs and data storage structures associated with tasks that comprise a work request (see Abstract). The system includes files that are used to describe the relationships between the respective business objects/data structures, and contain a list of strings or EOIDs (Extended Object Identifier) that represent the relationships of a given business object with one or more other stored objects (see at least **¶ [0108]**)

Following KSR, the Supreme Court issued several rationales for supporting a conclusion that a claim would have been obvious. If a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art, and one of ordinary skill in the art would have been capable of applying this known technique to a known device (method, or product) and the results would have been predictable to one of ordinary skill in the art; then the claim will be deemed obvious in view of the prior art.

Applicant is applying a known technique, in this case creating data structures/objects to represent job/task data and utilizing relationship identifiers to describe the relationship between these various objects as disclosed by Pulsipher, to a known device, in this case to the resource and task data information that is stored and utilized by the system of Lesaint. The application of the known technique in this manner would have generated a predictable result. It would have been obvious, to one of ordinary

skill in the art, that the result of applying the aforementioned technique would be a system for mapping a project comprising a plurality of resources and tasks, wherein the system explicitly created data structures/objects for the tasks and resources in question and also created relationship files/identifiers to describe the relationships between the various tasks/resources in question, in the manner disclosed by Pulsipher. Therefore since the Applicant is claiming the application of a known technique to a known device to yield a predictable result, the claim is deemed obvious in view of the prior art.

Furthermore, in KSR the Supreme Court particularly emphasized "the need for caution in granting a patent based on the combination of elements found in the prior art," and discussed circumstances in which a patent might be determined to be obvious. Importantly, the Supreme Court reaffirmed principles based on its precedent that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." In this case the combination of the resource and task data that is generated and received by the system Lesaint and the relationship identifier data that is generated by Pulsipher would yield a predictable result, specifically a system for mapping a project comprising a plurality of resources and tasks, wherein the system created and received resource, task and relationship identifier data. It would have been obvious to one of ordinary skill in the art to further modify Lesaint to include receiving the relationship identifier data disclosed by Pulsipher because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. Furthermore one of ordinary skill in the art would have recognized that the results of the combination were predictable, therefore the combination has been deemed obvious.

Additionally, neither Lesaint nor Pulsipher explicitly teaches representing the plurality of tasks in a first dimension of a matrix and the plurality of resources in a second dimension of the matrix, wherein each relationship identifier is represented at the interconnection or point of intersection between represented task and resource corresponding to that relationship identifier.

The Examiner hereby takes Official Notice that it was well known to those of ordinary skill in the art, at the time of the invention, to represent data by placing a first set of variables on a first dimension of a matrix and a second set of variables on a second dimension of a matrix. Furthermore, it was well known to represent information about the two variables being analyzed at the interconnection or point of intersection between the two variables, for example by placing markings (dots, lines, arrows etc.). This technique is generally described as creating a dot plot, and was widely popularized in 1981 by the statisticians Maizel and Lenk. Dot plots were therefore well known at the time of the invention and general information about them can be found at http://helix.mcmaster.ca/721/outline2/node38.html.

Following KSR, the Supreme Court issued several rationales for supporting a conclusion that a claim would have been obvious. If a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art, and one of ordinary skill in the art would have been capable of applying this known technique to a known device (method, or product) and the results would have been predictable to one of ordinary skill in the art; then the claim will be deemed obvious in view of the prior art.

Applicant is applying a known technique, in this case representing a first group of data in a first dimension of a matrix and a second group of data in a second dimension of

the matrix, wherein certain information about the two data sets is represented at the interconnection or point of intersection between the two variables, as was well known to do at the time of the invention for example utilizing dot plots, to a known device, in this case to the resource, task and relationship identifier data disclosed by the aforementioned combination of Lesaint and Pulsipher. The application of the known technique in this manner would have generated a predictable result. It would have been obvious, to one of ordinary skill in the art, that the result of applying the aforementioned technique would be a system for visually mapping a project comprising a plurality of resources and tasks, wherein the system explicitly created data structures/objects for the tasks and resources in question and also created relationship files/identifiers to describe the relationships between the various tasks/resources in question. The system would then represent this data by placing the first group of resource data on one dimension of a matrix, placing the second group of task data on a second dimension of the matrix and represent each respective relationship identifier between the two data types at the interconnection or point of intersection between represented task and resource corresponding to that relationship identifier, as was well known to do at the time of the invention - for example utilizing dot plots. Therefore since the Applicant is claiming the application of a known technique to a known device to yield a predictable result, the claim is deemed obvious in view of the prior art.

Regarding **claim 2**, Lesaint discloses a system for visually mapping a project comprising a plurality of resources and tasks, wherein each task and each resource is described by a data record comprising one or more characteristic features or properties thereof (see at least **figs 2-4** which illustrate some of the system's memory components

which are used to store the various data being processed and analyzed. Also **col. 10, lines 14-35** disclose that, "The pre-scheduler 30 takes data regarding the resources to be allocated, and the tasks to which they are to be allocated, from inputs 33 and 34 respectively. This data undergoes some pre-processing in the respective inputs 33, 34 before being input to the pre-scheduler 30. The pre-scheduler 30 has details of the technicians/resources available (input 33) and details of those tasks it is to schedule (input 34)"). Lesaint however does not explicitly teach associating a relationship identifier with a corresponding data record of the task or resource.

Pulsipher discloses a system for establishing job data structures associated with jobs and data storage structures associated with tasks that comprise a work request (see Abstract). The system includes files that are used to describe the relationships between the respective business objects/data structures, and contain a list of strings or EOIDs (Extended Object Identifier) that represent the relationships of a given business object with one or more other stored objects (see at least **¶ [0108]**). Therefore each object is associated with a set of corresponding relationship identifiers that describe how the object relates to the other objects in the system.

Following KSR, the Supreme Court issued several rationales for supporting a conclusion that a claim would have been obvious. If a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art, and one of ordinary skill in the art would have been capable of applying this known technique to a known device (method, or product) and the results would have been predictable to one of ordinary skill in the art; then the claim will be deemed obvious in view of the prior art.

Applicant is applying a known technique, in this case associating relationship identifiers with data records, as disclosed by Pulsipher, to a known device, in this case to the resource and task information data records disclosed by Lesaint, and is generating a predictable result. It would have been obvious, to one of ordinary skill in the art, that the result of applying the aforementioned technique would be a system for mapping a project comprising a plurality of resources and tasks wherein relationship identifiers are associated with corresponding resource and task data records. Therefore since the Applicant is claiming the application of a known technique to a known device to yield a predictable result, the claim is deemed obvious in view of the prior art.

Regarding **claim 3**, Lesaint discloses a system for visually mapping a project comprising a plurality of resources and tasks wherein at least one of the resources is one of an individual person, a group of persons, a department, a function, a competency, or any other type of entity found appropriate to circumscribe an actor of the project (see at least **col. 5** wherein the resource being scheduled is a person, specifically a technician).

Regarding **claim 19**, the claim recites equivalent limitations to claim 1 except that the claim is directed to the method performed by the system of claim 1. Since the Examiner has presented evidence for why a system performing the claimed method is obvious in view of the prior art, it follows that the method itself is also obvious for the reasons presented above in the rejection of claim 1.

Regarding **claim 20**, the claim recites equivalent limitations to those found in claims 19 with the added limitations of: except that the claim recites the added limitation of one or more of the following steps: specifying a type, nature or kind of the relationship, representing each different type, nature or kind of the relationship by a

different type of relationship identifier, representing at least one of the relationship identifiers as a dot or similar geometrical figure, representing all relationship identifiers relating to one task by a connected line or similar connection, arranging the tasks in accordance to defined relationships between the tasks such as temporal relationships and/or priorities, indicating dependencies between tasks preferably using pointers or arrows, grouping a plurality of the resources together and representing those grouped resources as one resource group, grouping a plurality of the tasks together and representing those grouped tasks as one task group, analyzing the matrix and providing a plausibility check for detecting and/or indicating potential failures, providing an indication for the state of one or more of the tasks, representing the tasks by parallel lines in the first matrix dimension and the resources by parallel lines in the second matrix dimension, wherein the first matrix dimension is preferably substantially perpendicular to the second matrix dimension, providing two or more different projects in a joint representation, wherein the first and second matrix dimensions are each represented substantially parallel to each other. Lesaint however, discloses a method for visually mapping a project comprising a plurality of resources and tasks, wherein the processing unit is further adapted for providing an indication for the state of one or more of the tasks (see at least **col. 11, lines 10-25** wherein a technician status register 43 and pool of work register 44 similarly store data relating to the status of technicians and tasks respectively), therefore this limitation is insufficient to distinguish the claim over the prior art applied to claim 19.

Regarding **claim 21,** Lesaint discloses a method comprising the steps of:

- receiving information about a provided visual mapping of a project comprising a plurality of tasks (TASK01-TASK05) and a plurality of resources (RESOURCE01-RESOURCE07), each resource being available for handling, executing or otherwise processing one or more of the tasks (see at least **fig. 3** and **cols. 3-4** wherein the pre-scheduler component of the system generates an initial visual mapping/schedule of the tasks and resources in the system which it then feeds to the optimizing component which modifies the initial schedules to generate a second, optimized visual mapping/schedule of the tasks and resources); and
- deriving, from the received information, data records of the plurality of tasks and resources (see at least **fig. 2** wherein the system includes a processor and memory for processing and storing the received information and **col. 2, lines 60-67** wherein the system includes input means for providing information relating to the tasks to be allocated and the resources available to perform the tasks. The processor receives this information and stores it in a plurality of data records so that it can be easily accessed when necessary).

Lesaint however, does not explicitly teach that a relationship between a respective task and a respective resource is described by a respective relationship identifier, or that the system receives and generates data records about these respective relationship identifiers together with the data records of the plurality of tasks and resources.

Pulsipher discloses a method for establishing job data structures associated with jobs and data storage structures associated with tasks that comprise a work request (see

Abstract). The method includes the creation of files that are used to describe the relationships between the respective business objects/data structures, and contain a list of strings or EOIDs (Extended Object Identifier) that represent the relationships of a given business object with one or more other stored objects (see at least ¶ **[0108]**)

Following KSR, the Supreme Court issued several rationales for supporting a conclusion that a claim would have been obvious. If a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art, and one of ordinary skill in the art would have been capable of applying this known technique to a known device (method, or product) and the results would have been predictable to one of ordinary skill in the art; then the claim will be deemed obvious in view of the prior art.

Applicant is applying a known technique, in this case creating data structures/objects to represent job/task data and utilizing relationship identifiers to describe the relationship between these various objects as disclosed by Pulsipher, to a known device, in this case to the resource and task data information that is received, stored and utilized by the system of Lesaint. The application of the known technique in this manner would have generated a predictable result. It would have been obvious, to one of ordinary skill in the art, that the result of applying the aforementioned technique would be a method for mapping a project comprising a plurality of resources and tasks, wherein the system performing the method explicitly created data structures/objects for the tasks and resources in question and also created relationship files/identifiers to describe the relationships between the various tasks/resources in question, in the manner disclosed by Pulsipher. The system processor would then receive this information and store it in a plurality of data records so that it can be easily accessed when necessary, as

disclosed by the aforementioned sections of Lesaint. Therefore since the Applicant is claiming the application of a known technique to a known device to yield a predictable result, the claim is deemed obvious in view of the prior art.

Furthermore, in KSR the Supreme Court particularly emphasized "the need for caution in granting a patent based on the combination of elements found in the prior art," and discussed circumstances in which a patent might be determined to be obvious. Importantly, the Supreme Court reaffirmed principles based on its precedent that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." In this case the combination of the resource and task data that is generated and received by the system of Lesaint and the relationship identifier data that is generated by Pulsipher would yield a predictable result, specifically a method for mapping a project comprising a plurality of resources and tasks, wherein the system performing the method created and received resource, task and relationship identifier data. It would have been obvious to one of ordinary skill in the art to further modify Lesaint to include receiving the relationship identifier data disclosed by Pulsipher because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. Furthermore one of ordinary skill in the art would have recognized that the results of the combination were predictable, therefore the combination has been deemed obvious.

Additionally, neither Lesaint nor Pulsipher explicitly teaches representing the plurality of tasks in a first dimension of a matrix and the plurality of resources in a second dimension of the matrix, wherein each relationship identifier is represented at the

interconnection or point of intersection between represented task and resource corresponding to that relationship identifier.

The Examiner hereby takes Official Notice that it was well known to those of ordinary skill in the art, at the time of the invention, to represent data by placing a first set of variables on a first dimension of a matrix and a second set of variables on a second dimension of a matrix. Furthermore, it was well known to represent information about the two variables being analyzed at the interconnection or point of intersection between the two variables, for example by placing markings (dots, lines, arrows etc.). This technique is generally described as creating a dot plot, and was widely popularized in 1981 by the statisticians Maizel and Lenk. Dot plots were therefore well known at the time of the invention and general information about them can be found at http://helix.mcmaster.ca/721/outline2/node38.html.

Following KSR, the Supreme Court issued several rationales for supporting a conclusion that a claim would have been obvious. If a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art, and one of ordinary skill in the art would have been capable of applying this known technique to a known device (method, or product) and the results would have been predictable to one of ordinary skill in the art; then the claim will be deemed obvious in view of the prior art.

Applicant is applying a known technique, in this case representing a first group of data in a first dimension of a matrix and a second group of data in a second dimension of the matrix, wherein certain information about the two data sets is represented at the interconnection or point of intersection between the two variables, as was well known to do at the time of the invention for example utilizing dot plots, to a known device, in this

case to the resource, task and relationship identifier data disclosed by the aforementioned combination of Lesaint and Pulsipher. The application of the known technique in this manner would have generated a predictable result. It would have been obvious, to one of ordinary skill in the art, that the result of applying the aforementioned technique would be a method for visually mapping a project comprising a plurality of resources and tasks, wherein the system performing the method explicitly created data structures/objects for the tasks and resources in question and also created relationship files/identifiers to describe the relationships between the various tasks/resources in question. The system performing the method would then represent this data by placing the first group of resource data on one dimension of a matrix, placing the second group of task data on a second dimension of the matrix and represent each respective relationship identifier between the two data types at the interconnection or point of intersection between represented task and resource corresponding to that relationship identifier, as was well known to do at the time of the invention - for example utilizing dot plots. Therefore since the Applicant is claiming the application of a known technique to a known device to yield a predictable result, the claim is deemed obvious in view of the prior art.

Regarding **claim 22**, the claim recites substantially similar steps to claim 21 with the addition of an analysis step for analyzing the information that is received and derived in claim 21. The Examiner has previously presented evidence above for why the limitations of claim 1 would have been obvious at the time of the invention and further notes that Lesaint analyzes the various task and resource records in question to dynamically determine an optimal assignment strategy (see at least **cols. 2-5**).

Following KSR, the Supreme Court issued several rationales for supporting a conclusion that a claim would have been obvious. Exemplary rationales that may support a conclusion of obviousness include: Simple substitution of one known element for another to obtain predictable results (MPEP 2141).

Because each individual element and its function are shown in the prior art, albeit in different references or embodiments, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself— that is in the substitution of the resource, task and relationship identifier information, disclosed by the combinations of Lesaint and Pulsipher and previously rejected above in claim 21, for the resource and task data explicitly analyzed by the method of Lesaint to dynamically generate an optimal assignment strategy of. The result of this substitution would have been predictable to those of ordinary skill in the art, at the time of the invention, specifically a method for mapping a project comprising a plurality of resources and tasks, wherein the method analyzes information including task, resource and relationship identifier information rather than just the task and resource information explicitly analyzed by the method of Lesaint. Thus, the simple substitution of one known element for another producing a predictable result renders the limitation obvious.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrian J. McPhillip whose telephone number is (571)270-5399. The examiner can normally be reached on Monday to Thursday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571)272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. J. M./
Examiner, Art Unit 3623

8/11/2009

/Beth V. Boswell/
Supervisory Patent Examiner, Art Unit 3623